

Compendium of Budget Information for the 2014 General Session

Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee

Agency: Public Lands Office

Function

Utah Code Section 63J-4-601 created the Public Lands Policy Coordination Office (PLPCO) in 2005. The office also assumed administration and funding for the Public Roads (RS2477) validation.

PLPCO objectives and initiatives include:

RS2477 Validation

- initiate and support efforts to validate public access to federal lands through state and county-owned rights-of-way;
- initiate and prosecute, or join litigation that seeks to recognize rights-of-way; and
- initiate or support collaborative activities that result in recognition of public access to federal lands.

Federal Land Management and Decision Making

- initiate or participate in decision making discussions and dialogue that affect Utah's public lands interests such as legal matters involving the Endangered Species Act, recreation, and development; and
- represent Utah as a cooperating agency in the preparation and review of federal National Environmental Policy Act (NEPA) documents with the Bureau of Land Management, Forest Service, National Park Service, and other management agencies.

H.B. 148, Transfer of Public Lands Act and Related Study, 2012 General Session and H.B. 142, 2013 General Session

- respond to the mandates of H.B. 148 and H.B. 142; and
- oversee research and analyze comparative data relating to expenditures/results for similar management functions.

Archaeological Assistance and Permitting

- assist state agencies in developing the processes to provide for responsible use and stewardship of archaeological resources; and
- oversee the issuance and management of archaeological survey and excavation permits.

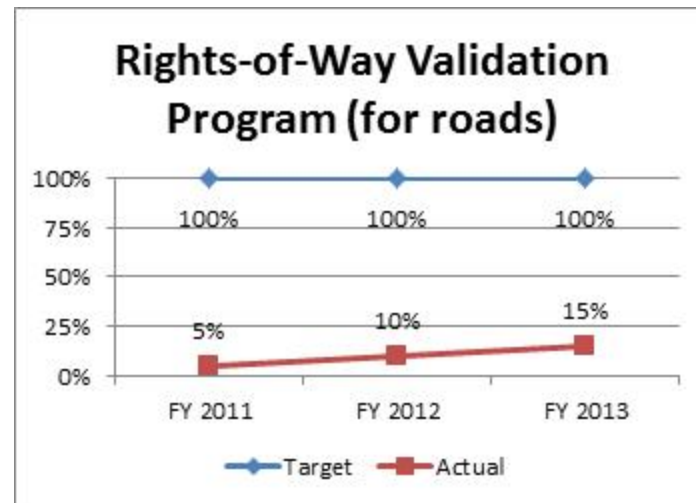
The Constitutional Defense Council (CDC) is charged with providing advice and recommendations concerning the development of public lands policies to PLPCO, the Deputy Chief of Staff, and the Governor.

Statutory Authority

UCA Title 63J-4-601: provides for the creation of the Public Lands Policy Coordination Office.

Performance

Rights-of-Way (for roads) Validation Program -- Litigation: The total number of roads currently in litigation across 22 counties is approximately 12,000. As litigation is a fluid process, PLPCO estimates that litigating these roads to a final resolution will take roughly 20 years. Accordingly, PLPCO aims to get 5% closer to a resolution of this matter each year. PLPCO is currently focused on resolving the dispute in court, but the evidence collected will support a resolution should the project be redirected towards a congressional or administrative solution.



Rights-of-Way (for roads) Validation Program -- Litigation -- Depositions: Witnesses with knowledge of specific rights-of-way must be interviewed, prepped, and deposed in order to acquire evidence to support an administrative, congressional, or judicial validation of rights-of-way granted under federal law (RS 2477). Each right-of-way in litigation will have a minimum of two witnesses that must be deposed. Each deposition is conducted on the record with the presence of the attorneys for both the plaintiffs (the State and individual county) and the defendant (United States). Each deposition can take anywhere from a few hours to several days, depending largely upon the health of the deponent and the number of roads the deponent knows. The information obtained in depositions is necessary to successfully validate rights-of-way in federal court. In late FY 2012, the parties agreed to a Case Management Order (CMO) that was signed by

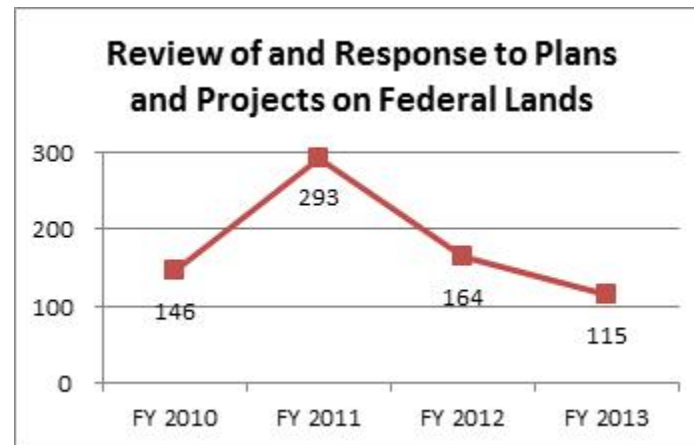
the judge that governs the deposition process. The CMO covers a period of two years, from February 2013 until February 2015; and allows for the taking of 225 depositions. This period is divided into 6-month blocks and allows 50 depositions to be taken during each block. Prior to CMO, 36 depositions were taken. During Block I, 49 depositions were taken. During Block II and III, it is expected that 50 depositions will be taken.

- Target: 50 depositions

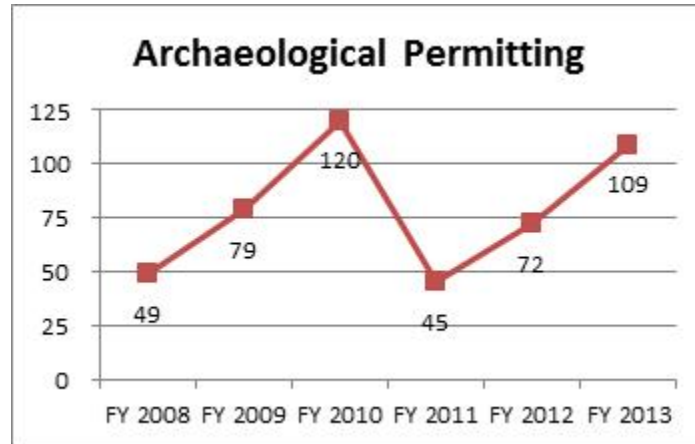
Rights-of-Way (for roads) Validation Program -- Litigation -- Video/GPS Roads: Evidence must be gathered in order to support the validation of rights-of-way granted under federal law (R.S. 2477), whether validation occurs through an administrative, congressional, or judicial process. Most of the roughly 12,000 roads included in the litigation have been subjected to GPS (global positioning system) over the past years. Funds were recently appropriated to acquire a 360 degree video camera that simultaneously captures GPS coordinates to produce higher quality evidence to assist in orienting witnesses and the court. The target is dependent on available staff time and the weather (roads cannot be driven and video cannot be taken when there is snow or excess water on the ground). During FY 2013, 465 roads were filmed.

- Target: Video 250 roads

Review of and Response to Federal Plans and Projects on Federal Lands: The state has an interest in participating in the creation and review of the plans for resource utilization by federal land management agencies such as the Bureau of Land Management, Forest Service, and National Park Service. The state also has an interest in assisting with the environmental and economic review of projects proposed for federal lands in Utah. Each year, hundreds of projects are proposed, and federal land planning is continuous. PLPCO coordinates the review of these projects and plans by state agencies in order to ensure that the state speaks with one voice. This measure does not have specific targets each fiscal year. PLPCO responds to all inquiries.



Archaeological Permitting: PLPCO is authorized to grant permits for qualified archaeologists to operate on state lands, and to grant a permit for excavation of lands for archaeological purposes. Permits are both principal investigator permits and data recovery permits. This measure shows the number of requests for permits that have been resolved in a timely manner (30 days by statute). This measure does not have specific targets each fiscal year. PLPCO has consistently responded to all requests for permits within 30 days.



Issues/Analysis

This link provides a trend analysis for the Public Lands Policy Coordination Office's line item for funding and expenditures.

Funding Detail

UCA Title 63C-4-103 allows the Legislature to appropriate monies from the Constitutional Defense Restricted Account to the Office and to the Council.

The Constitutional Defense Restricted Account, which is the main funding source for the Public Lands Office, receives 7.5% of all revenue to the Land Exchange Distribution Account created in UCA Title 53C-3-203, with a \$5 million cap on the account.

Table 1: Operating and Capital Budget Including Expendable Funds and Accounts

Sources of Finance	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
General Fund	\$328,500	\$835,600	\$0	\$835,600	\$16,300	\$851,900

General Fund, One-time	\$500,000	\$25,000	\$800	\$25,800	(\$24,000)	\$1,800
GFR - Constitutional Defense	\$1,383,100	\$1,412,500	\$1,300	\$1,413,800	(\$671,900)	\$741,900
GFR - Sovereign Lands Mgt	\$1,000,000	\$0	\$0	\$0	\$3,675,000	\$3,675,000
Beginning Nonlapsing	\$322,000	\$322,000	(\$40,200)	\$281,800	(\$281,800)	\$0
Closing Nonlapsing	(\$281,800)	\$0	\$0	\$0	\$0	\$0
Lapsing Balance	(\$1,175,100)	\$0	\$0	\$0	\$0	\$0
Total	\$2,076,700	\$2,595,100	(\$38,100)	\$2,557,000	\$2,713,600	\$5,270,600

Line Items	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Public Lands Policy Coordination Office	\$2,076,700	\$2,595,100	(\$38,100)	\$2,557,000	\$713,600	\$3,270,600
Commission for Stewardship of Public Lands	\$0	\$0	\$0	\$0	\$2,000,000	\$2,000,000
Total	\$2,076,700	\$2,595,100	(\$38,100)	\$2,557,000	\$2,713,600	\$5,270,600

Categories of Expenditure	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Personnel Services	\$1,153,600	\$1,301,800	(\$194,700)	\$1,107,100	\$27,000	\$1,134,100
In-state Travel	\$74,700	\$51,800	\$22,900	\$74,700	\$0	\$74,700
Out-of-state Travel	\$13,000	\$12,600	\$400	\$13,000	\$0	\$13,000
Current Expense	\$522,500	\$953,800	\$250,200	\$1,204,000	\$2,685,000	\$3,889,000
DP Current Expense	\$158,200	\$275,100	(\$116,900)	\$158,200	\$1,600	\$159,800
Capital Outlay	\$35,600	\$0	\$0	\$0	\$0	\$0
Other Charges/Pass Thru	\$89,800	\$0	\$0	\$0	\$0	\$0
Transfers	\$29,300	\$0	\$0	\$0	\$0	\$0
Total	\$2,076,700	\$2,595,100	(\$38,100)	\$2,557,000	\$2,713,600	\$5,270,600

Other Indicators	2013 Actual	2014 Approp	2014 Change	2014 Revised	2015 Change	2015 Approp
Budgeted FTE	9	13	0	13	0	13
Actual FTE	12	0	0	0	0	0
Vehicles	2	2	(2)	0	2	2

COBI contains unaudited data as presented to the Legislature by state agencies at the time of publication. For audited financial data see the State of Utah's Comprehensive Annual Financial Reports.